

COUNCIL AGENDA: 11-02-04  
ITEM: 2.2 (e)

## Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** LEE PRICE  
CITY CLERK

**SUBJECT: ORDINANCE AMENDING  
TERMS FOR MEMBERS OF  
BOARDS AND COMMISSIONS  
NOT ESTABLISHED BY CHARTER**

**DATE:** October 29, 2004

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### RECOMMENDATION

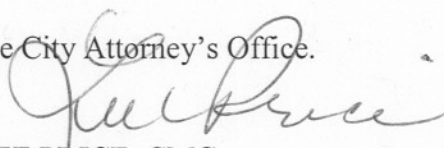
Re-adopt Ordinance No. 27255 amending Section 2.08.150 of the San José Municipal Code as it relates to terms for members of boards and commissions not established by the Charter.

### BACKGROUND

This ordinance was passed for publication on September 28<sup>th</sup> and finally adopted on October 12, 2004. Due to a technical issue with publication, which is required by Charter, the ordinance needs to be readopted.

### COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office.

  
LEE PRICE, CMC  
City Clerk

Attachment: Ordinance No. 27255 (published 10-19-04)



ORDINANCE NO. 27255

**AN ORDINANCE OF THE CITY OF SAN JOSE  
AMENDING SECTION 2.08.150 AND SECTION 2.08.830  
OF CHAPTER 2.08 OF TITLE 2 OF THE SAN JOSE  
MUNICIPAL CODE TO MODIFY THE LENGTH AND  
NUMBER OF TERMS SERVED BY MEMBERS OF  
CERTAIN CITY BOARDS OR COMMISSIONS NOT  
ESTABLISHED BY THE CHARTER**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 2.08.150 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.150 Term**

- A. The term of appointment to a Charter commission is as established by the Charter.
- B. Members of boards or commissions not established by the Charter shall serve for a term of three (3) years unless otherwise specified in this Chapter. Such members shall be eligible for reappointment at the expiration of their first term for one additional three-year term. The first term shall begin from the date of the expiration of the former incumbent's term, irrespective of the date of actual appointment.
- C. Unless otherwise specified in this Chapter, members who are appointed to serve unexpired terms shall serve to the end of the former incumbent's term.
- D. Except as otherwise specified in this Chapter, a member may be appointed to serve a term of less than three years or a term of less than the number of years established by this Chapter for the particular board of commission if the Council

determines that it is in the best interest of the board or commission that a member serve a shorter term in order to provide for appropriate staggered terms to preserve a continuity of membership on the board or commission.

- E. Except as otherwise specified in this Chapter, if a member has been appointed to serve a term of less than one and one half years, the member may be reappointed to serve on the same board or commission for up to two consecutive additional terms.
- F. Notwithstanding Sections A through E, above, a member may be appointed to serve a third consecutive term with a length of one to three years, in the discretion of the City Council, if the City Council finds that reappointment of such member to a commission would be necessary to:
  - 1. maintain a functioning quorum on the commission; or
  - 2. maintain commissioners with one or more years of experience or a required background on the commission; or
  - 3. establish, or reestablish, staggered terms to preserve a continuity of membership on the board or commission.

SECTION 2. Section 2.08.830 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**Section 2.08.830 Term**

- A. All members of the commission shall serve up to two three-year terms for a maximum of six years.
- B. Members who are appointed to serve unexpired terms shall serve to the end of the former incumbent's term. Such member may be reappointed to serve on the Arts Commission for two full three-year terms if the member served less than one and one-half years of the unexpired term.

SECTION 3.

Commissioners who were eligible to serve a second consecutive term as of January 1, 2003 will be considered to have served only one full term and will be eligible for reappointment under the terms set forth herein. Those members who are not eligible for reappointment to a second consecutive term as of January 1, 2003 may be reappointed if Council makes such reappointment pursuant to subsection F of Section 2.08.150.

SECTION 4.

Those provisions of Section 2.08.150 adopted on October 12, 2004 shall retroactively apply to any commissioner appointed to a three year term after January 1, 2003.

PASSED FOR PUBLICATION of title this 28<sup>th</sup> day of September, 2004, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, GREGORY,  
LeZOTTE, REED, WILLIAMS, YEAGER


NOES: NONE

ABSENT: DANDO, GONZALES

DISQUALIFIED: NONE

ATTEST:

  
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LEE PRICE, CMC  
City Clerk

  
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DAVID CORTESE  
Mayor Pro Tem